

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIAROGER ANDREW HARTLEY,  
Plaintiff,

v.

D. BRIGHT, et al.,  
Defendants.

Case No. 23-cv-00767 BLF (PR)

**ORDER GRANTING MOTION TO  
RECONSIDER DENIAL OF *IN  
FORMA PAUPERIS* STATUS;  
STRIKING ORDER AND  
GRANTING *IN FORMA PAUPERIS*  
STATUS; INSTRUCTIONS TO  
CLERK**

(Docket No. 7)

Plaintiff, a state prisoner, filed the instant *pro se* civil rights action pursuant to 42 U.S.C. § 1983. On June 30, 2023, the Court denied Plaintiff's motion for leave to proceed *in forma pauperis* ("IFP") because he failed to show an adequate level of poverty: the last statement balance from his trust account is \$1,369.69, Dkt. No. 4. Dkt. No. 5. Plaintiff was directed to pay the \$402.00 filing fee within twenty-eight days from the date the order was filed or face dismissal of this action for failure to pay the filing fee. *Id.*

On July 21, 2023, Plaintiff filed a motion for an extension of time to pay the filing fee, and to reconsider the exhibits that were submitted in support of his IFP motion. Dkt. No. 7. Good cause shown, the request for reconsideration is **GRANTED**. The order denying Plaintiff's motion for IFP status is **VACATED**. Dkt. No. 5. Plaintiff's motion for

1 leave to proceed IFP is **GRANTED**. Dkt. No. 2.

2 The initial partial filing fee due at this time is **\$ 185.20** and shall be paid within  
3 twenty-eight (28) days from the date this order is filed. Funds for the filing fee will be  
4 taken from income to Plaintiff's account in accordance with 28 U.S.C. § 1915(b)(2). A  
5 copy of this Order and the attached instructions will be sent to Plaintiff, the prison's trust  
6 account office, and the Court's financial office.

7 This order terminates Docket No. 7.

8 **IT IS SO ORDERED.**

9 **Dated:** July 25, 2023

  
BETH LABSON FREEMAN  
United States District Judge

United States District Court  
Northern District of California

25 Order Granting Recon; Granting IFP  
26 PRO-SE\BLF\CR.23\00767Hartley\_grant-ifp(ip)

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**INSTRUCTIONS FOR PAYMENT OF PRISONER'S FILING FEE**

The prisoner shown as the plaintiff or petitioner on the attached order has filed a civil action in forma pauperis in this court and owes to the court a filing fee. Pursuant to 28 U.S.C. § 1915, the fee is to be paid as follows:

The initial partial filing fee listed on the attached order should be deducted by the prison trust account office from the prisoner's trust account and forwarded to the clerk of the court as the first installment payment on the filing fee. This amount is twenty percent of the greater of (a) the average monthly deposits to the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition or (b) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint/petition.

Thereafter, on a monthly basis, 20 percent of the preceding month's income credited to the prisoner's trust account should be deducted and forwarded to the court each time the amount in the account exceeds ten dollars (\$10.00). The prison trust account office should continue to do this until the filing fee has been paid in full.

If the prisoner does not have sufficient funds in his/her account to pay the initial partial filing fee, the prison trust account office should forward the available funds, and carry the balance forward each month until the amount is fully paid.

If the prisoner has filed more than one complaint, (s)he is required to pay a filing fee for each case. The trust account office should make the monthly calculations and payments for each case in which it receives an order granting in forma pauperis and these instructions.

**The prisoner's name and case number must be noted on each remittance.** The initial partial filing fee is due **within thirty days** of the date of the attached order. Checks should be made payable to Clerk, U.S. District Court and sent to Prisoner Accounts Receivable, U.S. District Court, 450 Golden Gate Avenue, Box 36060, San Francisco, CA 94102.

cc: Plaintiff  
Finance Office